

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUAN BAHENA and	§	
SANTOS TAHAY SUY,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 4:17-cv-1818
	§	
SUSHI HANA, INCORPORATED,	§	
dba SUSHI HANA JAPANESE	§	
KITCHEN, LILY NG,	§	
INDIVIDUALLY, and HUI YAN,	§	
INDIVIDUALLY,	§	
	§	
Defendants.	§	

PLAINTIFFS' ORIGINAL COMPLAINT

SUMMARY OF SUIT

1. Plaintiffs Juan Bahena ("Bahena") and Santos Tahay Suy ("Suy") (collectively, the "Plaintiffs") bring this action to recover unpaid overtime wages, liquidated damages, and attorneys' fees owed to them under the Fair Labor Standards Act, 29 U.S.C. § 216(b) (2017) ("FLSA").

2. In particular, the Plaintiffs, while employed by Defendant Sushi Hana, Incorporated, dba Sushi Hana Japanese Kitchen (the "Company"), were not properly compensated at one and one-half times their regular hourly rate for all hours worked over forty (40) hours per workweek.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 29 U.S.C. § 216(b) (2017) and 28 U.S.C. § 1331 (2017).

4. The Plaintiffs bring this complaint in the district in

which the Company does business and where a substantial portion of the conduct charged herein occurred. Accordingly, venue is proper in this district pursuant to 28 U.S.C. § 1391(b) (2017).

#### THE PARTIES

5. Bahena, a resident of Houston, Texas, engaged in commerce or in the production of goods for commerce while performing his duties for the Company.

6. Suy, a resident of Houston, Texas, engaged in commerce or in the production of goods for commerce while performing his duties for the Company.

7. The Company, a Texas corporation, is an enterprise engaged in commerce within the meaning of the FLSA that has acted, directly or indirectly, in the interest of an employer with respect to the Plaintiffs. The Company may be served with process by serving its registered agent, Lily Ng, at 1638 S. Mason Road, Katy, Texas 77450, 22446 Tullis Trail Court, Katy, Texas 77494, or 22 Azure Lake Court, Katy, Texas 77494.

8. Lily Ng ("Ng") has acted, directly or indirectly, in the interest of an employer with respect to the Plaintiffs. Ng may be served with process at 1638 S. Mason Road, Katy, Texas 77450, 22446 Tullis Trail Court, Katy, Texas 77494, or 22 Azure Lake Court, Katy, Texas 77494.

9. Hui Yan ("Yan") has acted, directly or indirectly, in the interest of an employer with respect to the Plaintiffs. Yan may be

served with process at 1638 S. Mason Road, Katy, Texas 77450 or 22 Wyndehaven Lakes Drive, Katy, Texas 77494.

#### FACTUAL BACKGROUND

10. The Company has operated a sushi restaurant business in Houston since approximately 2003 and generates more than \$500,000.00 in gross annual revenues.

11. The Plaintiffs were employed by the Company as sushi chefs during the three (3) year period preceding this lawsuit.

12. The Plaintiffs, who regularly worked more than forty (40) hours each workweek, were not paid one and one-half (1½) times their regular hourly rate for all hours worked over forty (40) hours per week. Rather, the Plaintiffs were paid the same rate each week regardless of how many hours they worked.

13. At all times material to their employment, the Plaintiffs were entitled to be paid one and one-half (1½) times their regular rate for all hours worked in excess of forty (40) hours in a workweek. 29 U.S.C. § 207(a)(2017). Accordingly, the Company's practice of failing to pay the Plaintiffs overtime compensation at one and one-half times their regular hourly rates was and is a clear violation of the FLSA.

14. Ng and Yan, as owners, officers and/or directors of the Company, have a substantial financial interest in the Company and are directly involved in:

- a. the hiring and firing of the Company's employees;

- b. the day-to-day operations as they relate to defining the terms of employment, workplace conditions, and the level of compensation to be received by the Company's employees;
- c. the Company's finances; and
- d. the Company's business decisions.

#### CAUSE OF ACTION

##### A. Violations of the FLSA-Overtime

15. The Plaintiffs incorporate the allegations contained in paragraphs 1 through 14.

16. The Defendants' practice of failing to properly pay the Plaintiffs for all overtime hours worked at one and one-half (1½) times their appropriate regular hourly rate was, and is, a violation of the FLSA.

17. Accordingly, the Plaintiffs are entitled to an amount equal to their unpaid overtime compensation as actual damages.

18. Additionally, the Plaintiffs are entitled to an amount equal to their unpaid overtime compensation as liquidated damages.

19. Finally, the Plaintiffs are entitled to reasonable attorneys' fees and costs of this action. 29 U.S.C. § 216(b) (2017).

#### PRAYER

WHEREFORE, the Plaintiffs request that this Court award them judgment, jointly and severally, against Defendants Sushi Hana, Incorporated, Lily Ng, and Hui Yan for the following:

- a. damages for the full amount of their unpaid overtime compensation;

- b. an amount equal to their unpaid overtime compensation as liquidated damages;
- c. reasonable attorneys' fees, costs and expenses of this action;
- d. pre-judgment and post-judgment interest at the highest rates allowable by law; and
- e. such other and further relief as may be allowed by law.

Respectfully submitted,

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